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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,185	01/18/2002	Sander Palvoelgyi	19361-089285	1155

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EXAMINER

SMALLEY, JAMES N

ART UNIT PAPER NUMBER

3727

DATE MAILED: 02/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

N.K.

**Office Action Summary**

Application No.

10/052,185

Applicant(s)

PALVOELGYI ET AL.

Examiner

James N Smalley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> . | 6) <input type="checkbox"/> Other:  |

## DETAILED ACTION

### *Claim Objections*

1. Claims 5 and 6 are objected to because of the following informalities:

Claim 5 contains the spelling error, "...inwardly *flanges* lip..." on the next-to-last line of the claim.

Claim 6 contains the spelling error, "...to *secured* said lid..." on the last line of the claim.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 4 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 4 recites, "wherein said first and second grooves extend around the circumference of said second sealing surface defined by said lid." It is unclear what is meant by this limitation since it is not enabled by the specification.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 4 recites, "wherein said first and second grooves extend around the circumference of said second sealing surface defined by said lid." It is unclear what is meant by this limitation. Examiner notes the first sealing groove is within the boundary of the second sealing groove's circumferential periphery.

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Pew '372 in view of Koppel '297 and in view of Aumon '485.

Regarding claim 1, De Pew '372 discloses a Grounding Means for a Filler Cap, comprising a wall for enclosing a fluid, an inwardly projecting lip forming an opening extending through a portion of the wall and defining a first sealing surface along the circumferential periphery thereof, a removable lid for closing the opening in the wall, a first radial groove formed in the first sealing surface defining an axial gap therebetween, and a first sealing ring seated in the first groove for sealing engagement between the first sealing surface when the lid is closed against the opening.

De Pew '372 does not disclose a second sealing surface along the circumferential periphery thereof facing the first sealing surface the lid is seated in the opening, a second radial groove formed in the second sealing surface or a second sealing ring.

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Aumon '485 discloses it is known to provide a second sealing surface/axial groove/sealing ring inbetween the lid and wall of a drum.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the closure of De Pew '372 to provide a second sealing surface/axial groove/sealing ring inbetween the lid and opening, as disclosed by Aumon '485, so as to obtain the benefit of an improved sealing means therebetween.

Regarding claim 2, De Pew '372 does not disclose a reinforcing member secured to the wall and surrounding the opening for supporting the lip against the sealing forces from the lid closed against the opening.

Koppel '297 discloses it is known to provide a reinforcing member secured to he wall and surrounding the opening for supporting the lip and body shell against sealing forces and discloses this in col. 3, lines 65-68.

It would have been obvious to one having ordinary skill at the time the invention was made to provide the lip of De Pew '372 with the reinforcing member of Koppel '297 so as to obtain the benefit of increased support for the lip and body shell.

Regarding claims 3-6, De Pew '372 discloses first and second sealing surfaces which extend substantially conically inwardly into the opening, wherein the first and second sealing grooves extend around the circumference of the second sealing surface defined by the lid, wherein the lip of the opening is flanged inwardly forming the first sealing surface and the reinforcement member is fixedly secured to the inside of the wall forming a surrounding shoulder which supports the inwardly flanged lip of the opening, wherein the reinforcement member includes an inwardly flanged collar and the peripheral part of the lid includes an

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outwardly flanged collar for overlapping engagement with the collar of the reinforcement member to secure the lid against the opening.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw '937 in view of Aumon '485.

Shaw '937 discloses a Filler Cap Assembly comprising a wall for enclosing a fluid, a reinforcement member secured to the wall having an inner vertical surface defining an opening in the wall, an outer vertical surface spaced generally parallel from the inner vertical surface, and a first sealing surface extending therebetween, a removable lid for closing the opening in the wall, a first radial grooves formed in the first sealing surface, and a first sealing ring seated in the first groove for sealing engagement between the first sealing surface when the lid is closed against the opening.

Shaw '937 does not disclose the lid having an outer peripheral part defining a second sealing surface facing the first sealing surface when the lid is seated in the opening, a second spaced apart radial groove formed in the second sealing surface, and a second sealing ring seated in the second groove for sealing engagement between the second sealing surface when the lid is closed against the opening.

Aumon '485 discloses it is known to provide a second sealing surface/axial groove/sealing ring inbetween the lid and wall of a drum.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the closure of Shaw '937 to provide a second sealing surface/axial groove/sealing ring inbetween the lid and opening, as disclosed by Aumon '485, so as to obtain the benefit of an improved sealing means therebetween.

*Allowable Subject Matter*

9. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, “should be directed to the group clerical personnel and not to the examiners. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information without contacting the examiners”, M.P.E.P. 203.08. The Group clerical receptionist number is (703) 308-1148.

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers or other general questions should be directed to Tech Center 3700 Customer Service at (703) 306-5648, email [CustomerService3700@uspto.gov](mailto:CustomerService3700@uspto.gov).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James N Smalley whose telephone number is (703) 605-4670. The examiner can normally be reached on M-Th 8-5:30, Alternate Fri 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Lee Young can be reached on (703) 308-2572. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

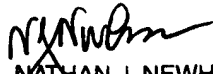
Other helpful telephone numbers are listed for applicant's benefit.

Allowed Files & Publication	(703) 305-8322
Assignment Branch	(703) 308-9287
Certificates of Correction	(703) 305-8309
Drawing Corrections/Draftsman	(703) 305-8404/8335
Fee Increase Questions	(703) 305-5125
Intellectual Property Questions	(703) 305-8217
Petitions/Special Programs	(703) 305-9282
Terminal Disclaimers	(703) 305-8408

If the information desired is not provided above, or has been changed, please do not call the examiner (this is the latest information provided to him) but the general information help line below.

Information Help line	1-800-786-9199
Internet PTO-Home Page	<a href="http://www.uspto.gov/">http://www.uspto.gov/</a>

jns  
February 11, 2003

  
NATHAN J. NEWHOUSE  
PRIMARY EXAMINER